

December 5, 2011

A Regular Meeting of Mayor and Council was convened at 8:00 p.m. on December 5, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 21, 2010.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

ROLL CALL: Present: Council Members Connolly, Donovan, Grasso, Lee, and McCarthy

Absent: Council Member Lucas

Also present was Borough Attorney Mark Kitrick and Borough Administrator/CFO Joseph DeIorio

SWEARING IN CEREMONY:

Mayor Dempsey swore in Kenneth Hamill as Police Officer

ASSESSMENT HEARINGS:

Glimmer Glass Phase II Roadway Project Assessment Hearing

Mr. Rooney provided an overview of the property assessment program that the Borough has implemented for new road construction projects. He went over the procedure that led up to the homeowner receiving an assessment letter.

Mayor Dempsey asked if there were any questions from the audience.

Bob Butler, 355 E. Virginia Ave. stated that he received a second letter dated November 15, 2011 and it stated that he did not have any aprons prior to the construction. He advised council that he did have aprons before the construction so he should not be charged for the total amount.

Mr. Rooney stated that there was an assessment made for curb and there was a paver driver and the homeowner was assessed for 25% of the cost that was incurred. He advised that they did recognize that the homeowner did have an apron prior to the construction.

Mr. Butler voiced his concern with the price that homeowners have to pay. He also inquired about the interest charge if paid over the 3 years.

Mr. DeIorio stated that the interest rate is based on what the Borough borrows the money at.

Kerry Cottrell, 359 e. Virginia Avenue wanted to know if the interest will be the same over the next 3 years and wanted to know why the neighbor's amount was different.

Mr. DeIorio stated that the interest will be the same over the next 3 years.

Mr. Rooney advised that the estimate for Ms. Cottrell was 50 feet of curb and concert driveway. He stated that the curb was 100% because it did not exist prior and the driveway was assessed at 25%. He stated that if the neighbor's address is 360 they were assessed for 50 feet of curb but they had some type of curbing so they received a credit for that and the driveway was asphalt which has different price then concrete.

Mayor Dempsey asked if there are any more questions or comments for the Glimmer Glass Phase II Roadway Project.

There being no more comments or questions Council Member Donovan made a motion to confirm the schedule of the assessment, seconded by Council Member Lee. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, and McCarthy, "no" none.

Central Avenue Roadway Construction Assessment Hearing

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Mayor Dempsey asked if there was any one in the audience that had questions or comments regarding Central Avenue Roadway Project assessment.

There were being none Council Member Donovan confirmed the schedule of assessments for Central Avenue Roadway Project, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, and McCarthy, "no" none.

CONSENT AGENDA

RESOLUTION 263-2011

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, payment for Public Defender Case services rendered from 2008 through 2010 is due to Manasquan Borough Public Defender Kenneth Fortier.

2008	\$650.00
2009	\$713.00
2010	\$940.00
TOTAL	\$2,303

RESOLUTION 266-2011

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGHS OF BRIELLE AND MANASQUAN FOR STREET SWEEPING SERVICES

WHEREAS, the Boroughs of Brielle and Manasquan have entered into an Interlocal Agreement under the provisions of the "Interlocal Services Act" for the joint procurement of Street Sweeping and Services; and

WHEREAS, the Borough of Manasquan is desirous of entering into an Interlocal Agreement for another five-year term, running from January 1, 2012 through December 31, 2016; and

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of December, 2011 by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Interlocal Services Agreement.
2. A certified copy of this Resolution shall be sent to:

Mr. Thomas Nolan
Municipal Clerk

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Borough of Brielle
PO Box 445
Brielle NJ 08730

**RESOLUTION
278-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, that the Mayor, Chief Financial Officer and Municipal Clerk be authorized to sign a Bond Anticipation Note in the amount of \$186,250.00 with a maturity date of November 30, 2012 awarded to Manasquan Savings.

BE IT FURTHER RESOLVED that the Chief Financial Officer has forwarded a copy of the Certificate of Determination & Award in compliance with the Local Bond Law.

**RESOLUTION
279-2011**

WHEREAS, it has been determined by the Zoning Board Chairman John Burke and the Board Attorney that the following application has been closed and any unused funds returned back to the applicant:

Pamela M. Crowe 564 Marlin Ave. Blk 182.02 Lot 12

AND WHEREAS, the Chief Financial Officer has determined that the amount of unused escrow funds is \$196.25.

Payable to: Pamela M. Crowe
164 Prospect Place
Rutherford, NJ 07070

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, State of New Jersey that the Borough authorizes the Chief Financial Officer to return any unused escrow funds to the applicant as indicated above.

**A RESOLUTION TO APPROVE SHARED
SERVICES AGREEMENT WITH MONMOUTH COUNTY
280-2011**

WHEREAS, The State of New Jersey has mandated the use of the MODIV Property Assessment Computer system for all New Jersey Municipalities; and

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth, in conjunction with the County Board of Taxation, is offering the County's MOD IV Property Assessment Computer System services to the municipalities; and

WHEREAS, A Shared Service Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Borough of Manasquan to enter into such an Agreement; and

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NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Manasquan, that the agreement entitled, "Agreement Between the County of Monmouth and the Borough of Manasquan for MOD IV Property Assessment Computer Services", a copy of which is attached hereto, be approved for the term of January 1, 2012 through December 31, 2021.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the contract agreement.

**RESOLUTION
282 - 2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, that regular meetings of the Borough Council are to be held on the dates listed below and will begin at 8:00 p.m.

BE IT RESOLVED that work session meetings will be held on the dates listed below and will begin at 7:00 p.m.

BE IT FURTHER RESOLVED that the work session and regular meetings will be conducted in Council Chambers, Borough Hall, 201 East Main Street, Manasquan, New Jersey and will not be conducted on a legal holiday observed by the Borough of Manasquan.

SCHEDULE OF MEETINGS FOR THE YEAR 2012

Reorganization Meeting will be held on Tuesday, January 3rd, 2011 at 7:00 p.m.

Regular Meetings - 8:00 p.m.

January 17th (TUESDAY)

February 6th, 21st (TUESDAY)

March 5th, 19th

April 2nd, 16th

May 7th, 21st

June 4th, 18th

July 2nd, 16th

August 6th, 20th

September 4th, 17th

October 1st, 15th, 29th

November 19th

December 3rd, 17th

Work Session Meetings - 7:00 p.m.

January 17th (TUESDAY)

February 6th, 21st (TUESDAY)

March 5th, 19th

April 2nd, 16th

May 7th, 21st

June 4th, 18th

July 2nd, 16th

August 6th, 20th

September 4th, 17th

October 1st, 15th, 29th

November 19th

December 3rd, 17th

Work Session/Budget Meetings - 9:00 a.m.

January 7th, 21st, 28th and February 11th

**RESOLUTION
283-2011**

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BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, refunds for State Court Judgments for 2007, 2009 and 2010 are due on the below described property in the amount designated as follows:

BLOCK: 62 LOT: 1.01 NAME: Michael I Schneck, Trustee
For 146 Main St. LLC

PROPERTY LOCATION: 146 Main St. LLC
142-146 Main St.
Manasquan, NJ 08736

AMOUNT OF REFUND: \$17,911.65

REASON FOR REFUND:

2007 Appeal	\$3,841.92
2009 Appeal	\$6,965.61
2010 Appeal	\$7,104.12

REFUND CHECK TO BE MADE PAYABLE TO:

Michael I. Schneck, Trustee
146 Main St. LLC
Manasquan, NJ 08736

WHEREAS, the Tax Collector has certified that the current property owner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

RESOLUTION 284-2011

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a 50 % return of a Security Deposit is due to the below described Property for Street Opening #58-2011 that was completed:

ADDRESS: 47 Clark Street
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$1,300.00

CHECK MADE PAYABLE TO: ASH Construction
201 Third Avenue
Bradley Beach, NJ 07720

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REASON: After inspection of the area the Superintendent of Public Works determined that 50% of the Security Deposit can be released to the property owner.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed Security Deposit with said warrant to be charged against the General Ledger.

**RESOLUTION
285-11**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following transfer in the 2011 Budget be authorized:

CURRENT FUND

TO:		
	Public Defender	\$ 4,200.00
	Legal O/E	<u>5,000.00</u>
	Total	\$ 9,200.00
FROM:		
	Landfill O/E	\$ <u>9,200.00</u>
	Total	\$ 9,200.00

**RESOLUTION
287-2011**

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Borough of Manasquan and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Manasquan to enter into such an agreement.

NOW THEREFORE BE IT RESOLVED; by the Mayor and Governing Body of the Borough of Manasquan, "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is

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attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;
and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

**RESOLUTION
288-2011**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	134,946.69
Water/Sewer Fund	25,595.10
Beach Fund	8,731.43
General Capital Fund	1,200.00
Water/Sewer Capital Fund	
Beach Capital Fund	

Council Member Donovan made a motion to approve the consent agenda, seconded by Council Member McCarthy. Motion carried by the following vote, 'yes' Council Member Connolly, Donovan, Grasso,

**RESOLUTION
281-2011**

WHEREAS, the Borough of Manasquan has the need to demolish the Eastmond Pavilion commonly known as the Main Beach Office; and

WHEREAS, the five quotes requested were as follows:

Jacobs Demolition and Carting 52 Taylor Avenue Manasquan NJ 08736	<u>\$12,145</u>
DeLisa Wrecking Inc. 101 Commerce Drive Tinton Falls, NJ 07753	<u>refused</u>
Mark Woszczak Mechanical Contractors 1700 W. Atlantic Avenue Manasquan NJ 08736	<u>\$10,250</u>

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Meehan Carting & Dumpsters
635 Rankin Road
Brielle, NJ 08730-1615

Not Interested

Deforest Demolition
2406 Herbertsville Road
Pt. Pleasant, NJ 08742

\$10.800

WHEREAS, the Borough of Manasquan's bid threshold per resolution 251-11 is \$26,000; and

WHEREAS, as a result the Borough of Manasquan intends to enter into contract with: Mark Woszczak Mechanical Contrators through this resolution and properly executed contracts, which shall be subject to all the conditions applicable; and

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor, pursuant to all conditions, in the amount of \$10,250.

Council Member Lee made a motion to approve resolution 281-2011, seconded by Council Member Grasso. Motion carried by the following vote "yes" Council Member Donovan, Grasso, Lee, McCarthy, "no" Council Member Connolly.

RESOLUTION 286-2011

WHEREAS, the Eastmond Pavilion (Beach Station building) was constructed in 1953 and has demonstrated signs of disrepair to the point where annual renovations appropriations would outweigh the cost of constructing a new facility to meet the demands of an increased attendance at Manasquan Beach since the initial construction in the 1950s, and

WHEREAS, the Borough of Manasquan is desirous to plan for the replacement of the Beach Station located at Main Street and;

WHEREAS, the cost for planning and reconstruction would be paid through the beach utility budget and therefore sales of beach operations; and

WHEREAS, the cost of planning and construction would not be paid from the municipal current budget and therefore not be paid for by taxpayer dollars; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Manasquan would like to retain the services of T & M Associates, 9 Grand Avenue, Tomes River, New Jersey 08753 for the purposes of survey, Pile Foundation Design, Site Design and Utility Connections, Preparation of Building Specifications Preparation of Bid Documents and Recommendation of Award and related services and in the amount not to exceed \$47,800 as outlined in the proposal dated November 28, 2011, and

BE IT FURTHER RESOLVED that this resolution is subject to the submission and agreement of a fully executed contract between T&M Associates and the Borough of Manasquan and required documentation by the State of New Jersey and Borough of Manasquan, and

BE IT FURTHER RESOLVED that the Borough Council authorize the Mayor and Municipal Clerk to sign and execute the contract noted in this resolution subject to the conditions above.

Council Member Lee made a motion to approve resolution 281-2011, seconded by Council Member Donovan. Motion carried by the following vote "yes" Council Member Donovan, Grasso, Lee, McCarthy, "no" Council Member Connolly.

ORDINANCES

The Borough Attorney read the title of ordinance 2099-11 for first reading and introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 "SOLID WASTE MANAGEMENT REGULATING RECYCLING WITHIN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY"

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2099-11.

There being none, Council Member Donovan made a motion introduce ordinance 2099-11, seconded by Council Member Lee. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2100-11 for first reading and introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING) AND SECTION 35-3.1 AND CREATING SECTION 35-25.3bb and 35-25.3cc AMENDING SIGN REGULATIONS TO PROHIBIT CERTAIN TYPES OF SIGNS IN ALL ZONES IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2100-11.

There being none, Council Member Donovan made a motion introduce ordinance 2100-11, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2101-11 for first reading and introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 15 (RENTAL PROPERTY) AND SECTION 15-2.3 TO REQUIRE NOTICE OF HEARINGS THROUGH CERTIFIED MAIL IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2101-11.

There being none, Council Member Lee made a motion introduce ordinance 2101-11, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2102-11 for first reading and introduction.

AN ORDINANCE AMENDING BOND ORDINANCE 2039-08 PROVIDING FOR THE CONSTRUCTION OF STORMWATER MANAGEMENT AND DRAINAGE IMPROVEMENTS AND THE CONSTRUCTION AND/OR RECONSTRUCTION OF THE ROADWAY, CONCRETE CURBS, SIDEWALKS AND DRIVEWAY APRONS AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, TO INCLUDE THE STREETS MINERVA, MARCELLUS AND NORTH POTTER AVENUES AND TO INCLUDE SAID STREETS TO DETERMINE THAT SPECIAL ASSESSMENTS BE LEVIED FOR THE CONSTRUCTION OF THE CONCRETE CURBS, SIDEWALKS AND DRIVEWAY APRONS TO PAY FOR THE COST OF SUCH IMPROVEMENTS IN AND BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2102-11.

There being none, Council Member Donovan made a motion introduce ordinance 2102-11, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, and McCarthy, "no" none.

APPROVAL OF MINUTES

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Work Session Minutes – May 16, 2011 and July 11, 2011
Regular Meeting Minutes – July 11, 2011

Council Member Lee made a motion to approve the minutes, seconded by Council Member McCarthy. Motion carried unanimously.

COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso reported that he has nothing further at this time.

Administration and Finance Committee – Council Member Connolly reported that the committee reviewed and signed bills in the amount of \$168,273.22. She advised that the Cable Advisory Committee has attempted to video tape the meetings for use on public TV and they have finally achieved the sound that they wanted. She stated they would like to videotape the December 19, 2011 meeting of Mayor and Council.

Mayor Dempsey asked if the council has seen the video that was made and he would like to review it before permission is given to do another taping.

Council Member Connolly stated that she would get the mayor a copy to review.

Beach Committee – Council Member Lee reported that the beach badges and parking sales started today and the Beach Department took in \$35,000. He advised that there will only be 600 parking passes sold during the month of December. He thanked Patrick DiSalvo for his time and effort for the shade tree because he has turned in his resignation.

Public Property and Parks Committee – Council Member McCarthy reported that the Tourism Commission had a very successful candy cane hunt. He thanked everyone that volunteered time to help with the event. He thanked Ray and Ann Summers for their dedication to the Tourism and the Chamber of Commerce and all the events throughout the year. He stated that this Sunday will be Christmas in Manasquan.

Public Works Committee – Council Member Donovan reported that leaf collection for the west side of the tracks was completed as of Friday and the east side will continue until the end of the week and then it will be completed for the entire town. He reported that fire hydrant round one has been completed. He reported that he has a list of snow emergency streets that have been compiled by DPW and OEM.

Council Member Lee made a motion to open meeting to the public, seconded by Council Member Donovan. Motion carried unanimously.

There being none Council Member Donovan made a motion to close the public portion, seconded by Council Member Lee. Motion carried unanimously.

Council Member Connolly made a motion to close the regular meeting at 9:48 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 2-21-12